



Illustrations on Intestate Succession for Hindu Male

SUCCESSION PLANNING SERIES #06

Preface

Succession planning refers to the passing of assets, properties, investments, etc., from the legal owner to the intended beneficiaries. If a deceased Hindu does not leave behind a valid Will, the Hindu Succession Act (HSA) applies. In the HSA, there is a hierarchy specified in a chronological manner for intestate succession for male, i.e., first preference should be given to Class I over Class II heirs and in case there are no Class I & Class II, then to agnate heirs and if there are no agnate heirs, then to cognate heirs.

In continuation to our previous series, in the **series #6**, we will be going through certain illustrations to have a better understanding and clarity on the rules of intestate succession



In case you have missed the previous alerts, click on the hyperlink below to refer the same.

- 01 Basics of succession planning.
- 02 Basic rules of intestate succession as provided in the Hindu Succession Act.
- 03 An overview of the different classes of heirs for a Hindu Male.
- 04 The first two classes of intestate succession for males (Class I and Class II)
- 05 Agnates & Cognates



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Illustration 1

Mr. A passed away recently without leaving behind a valid Will. The heirs of Mr. A are father, wife, two brothers and a sister. How will the distribution take place among the heirs as per Hindu Succession Act?

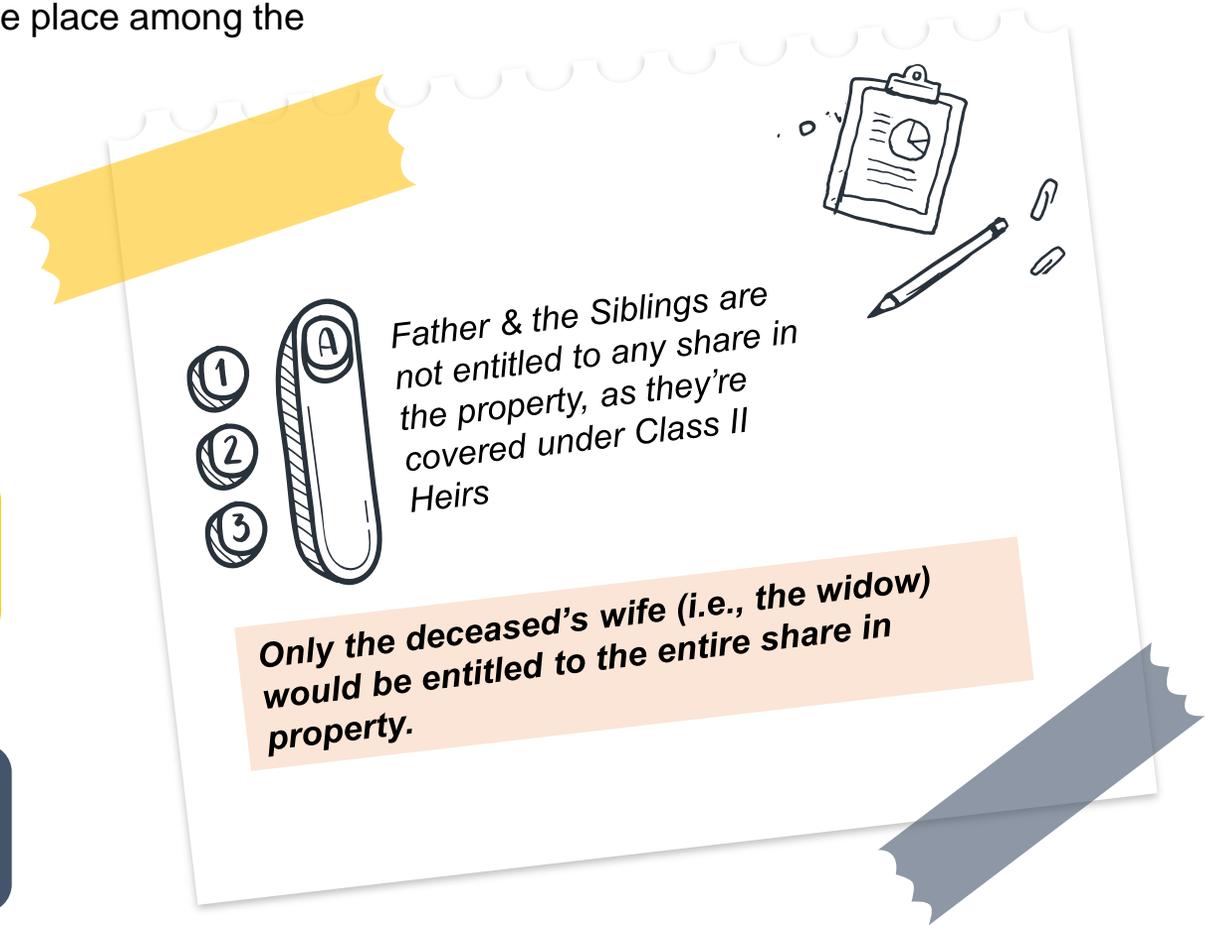
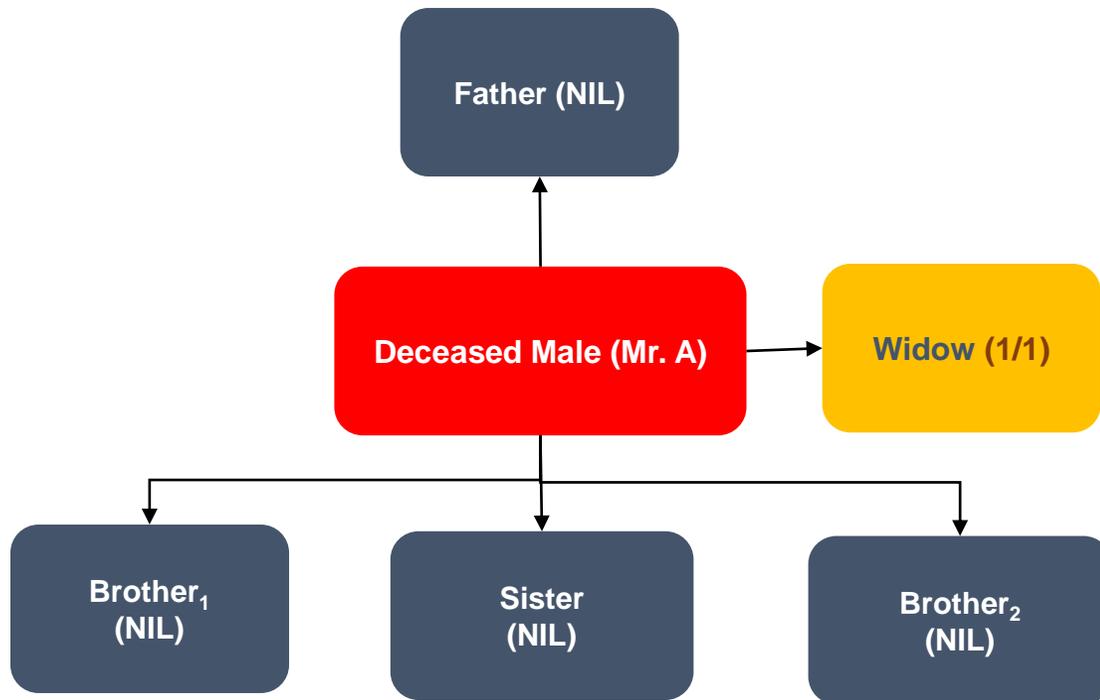
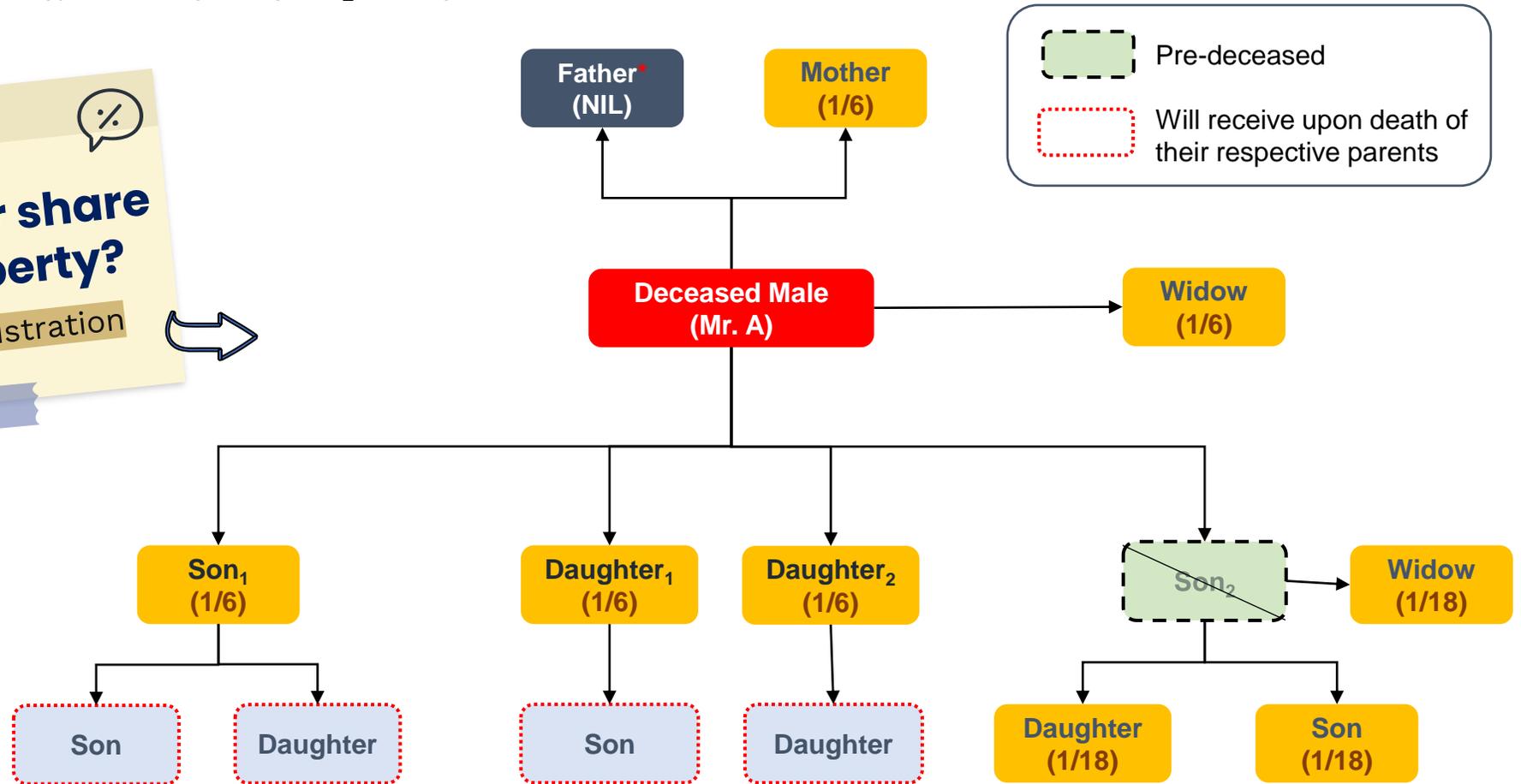


Illustration 2

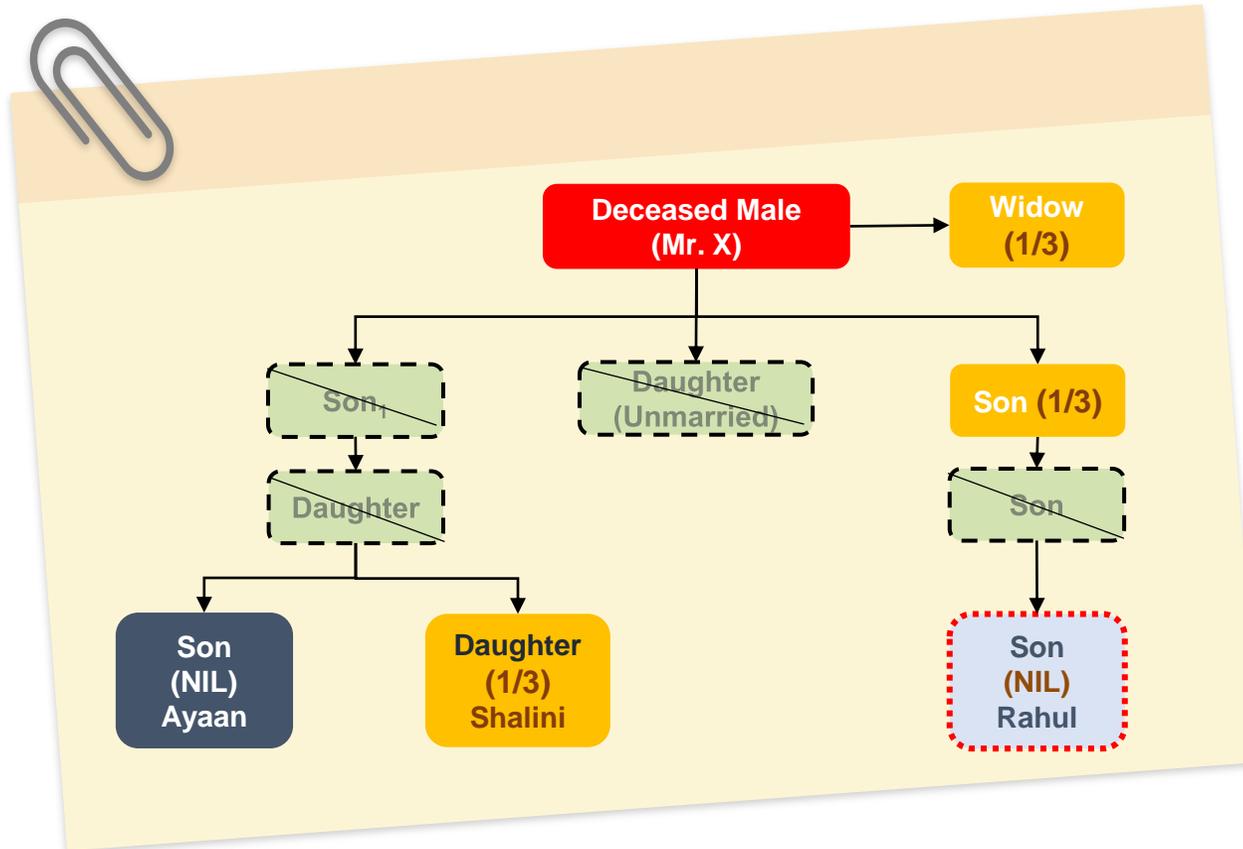
Mr. A passed away recently without leaving behind a valid Will. The heirs of Mr. A are as follows: a) Father & Mother b) Wife c) 1 surviving son, 2 surviving daughters and 1 predeceased son d) Surviving son's son and daughter e) Predeceased son's wife, daughter and son f) Surviving daughter₁'s son and g) Surviving daughter₂'s daughter.



* Since the Father is covered under Class II Heirs, he is not entitled to any share in the property.

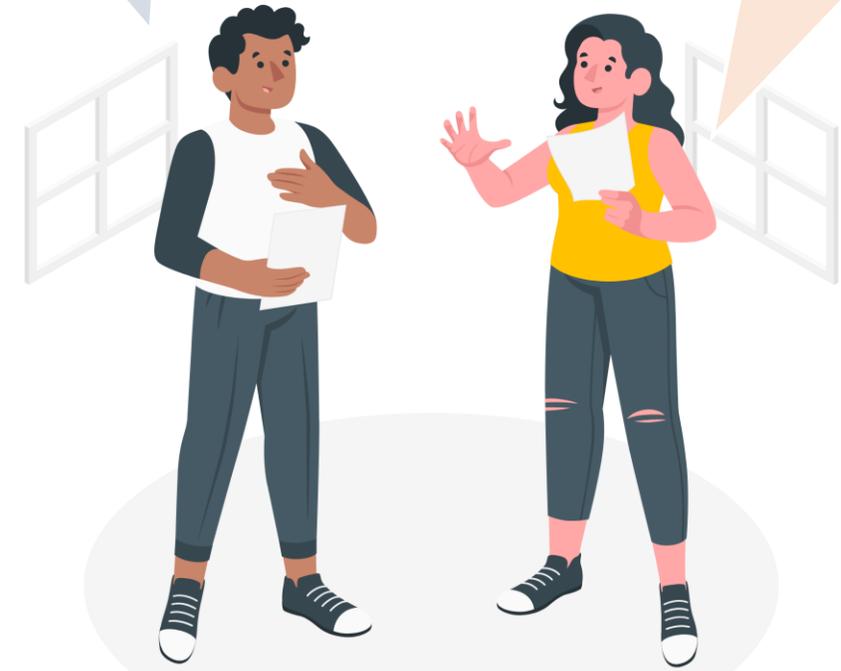
Illustration 3 (1/2)

In case, Mr. X has a family structure as presented in the given illustration. Upon his death, his property would be distributed to the said members in the demonstrated proportion (as highlighted in **brown**)



Did you know that Ayaan and Rahul did not receive any property upon death of their great grandpa, but Shalini did? This is so unfair!

Does this mean that male great grandchildren are not entitled to any share in the property?



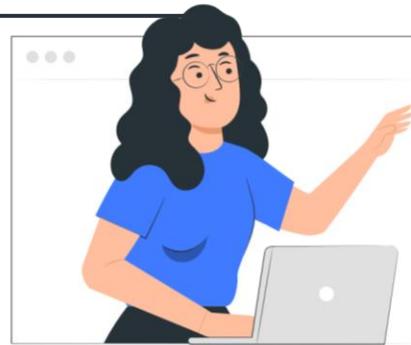
 Pre-deceased  Will receive upon death of their respective parents

Illustration 3 (2/2)

Even though Ayaan, Shalini and Rahul belong to the same generation, only Shalini is entitled to the share in property because :

SHALINI

- *Shalini is entitled to the property as she falls under Class I heirs. Class I heirs get a share in the property in exclusion to other classes.*



AYAAN

- *The **Son** of the pre-deceased son's pre-deceased daughter is covered under Class II Heirs only.*



RAHUL

- *Even though Rahul falls under Class I heirs and his parents are pre-deceased, he is not entitled to any share in the property as his grand father is still alive. Hence, Rahul would inherit the share only if his grandfather was pre-deceased.*

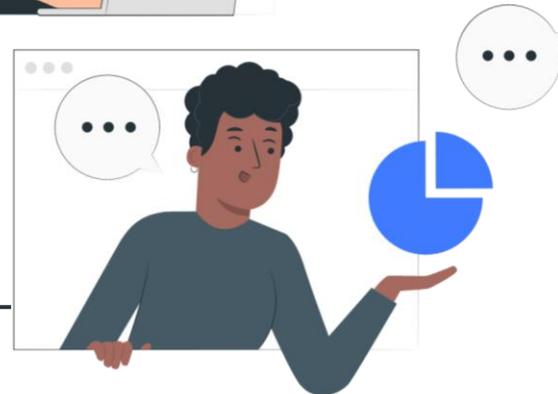
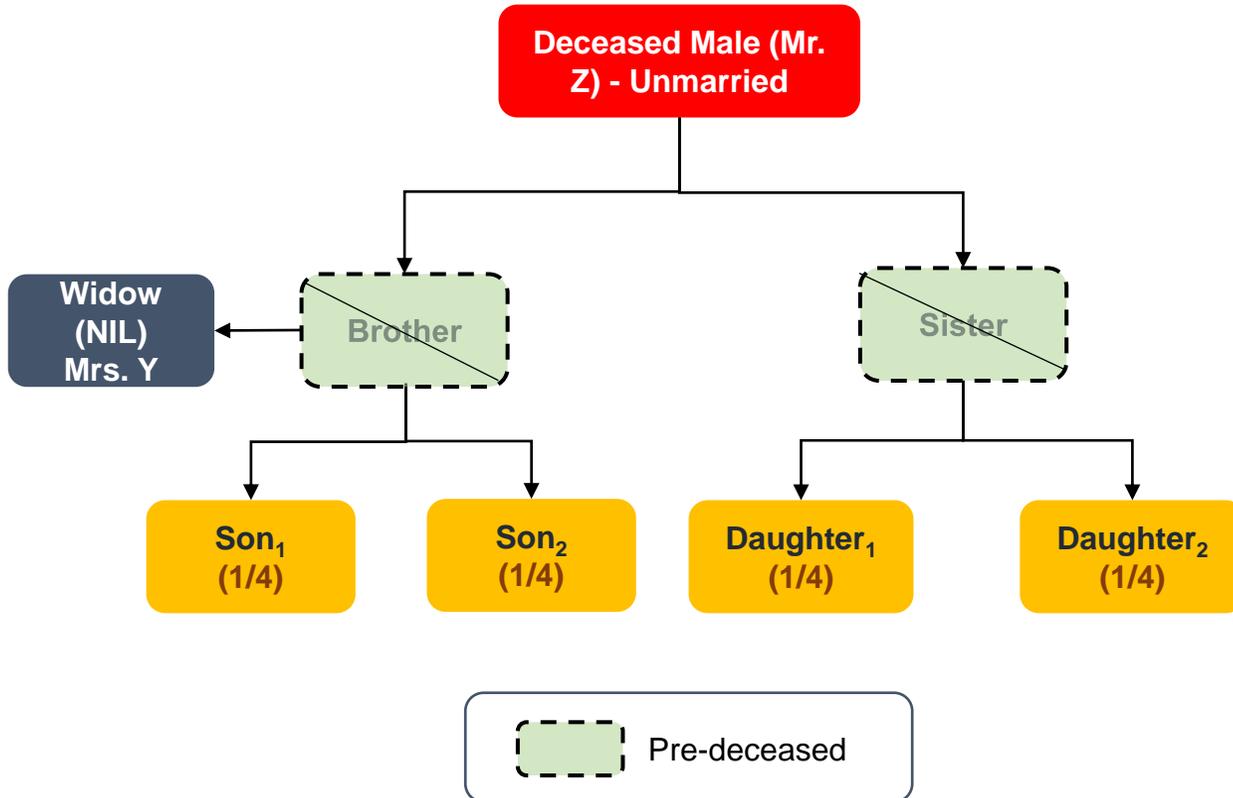


Illustration 4

In case, Mr. Z has a family structure as presented in the given illustration. Upon his death, his property would be distributed to the said members in the demonstrated proportion (as highlighted in **brown**).

Under what scenario will Mrs. Y (brother's wife) be eligible to get the share in property?



- Mrs. Y (brother's wife) and the sibling's children **both belongs to Class II heirs.**

- However, Mrs. Y **would not get** the share in property if the sibling's children are alive as Mrs. Y (brother's wife) **belongs to Entry VI** in Class II heirs whereas the sibling's children belong to Entry IV.

- Only in the **absence of Entry IV & V heirs**, brother's wife would be eligible to the share in the property.

Illustration 5

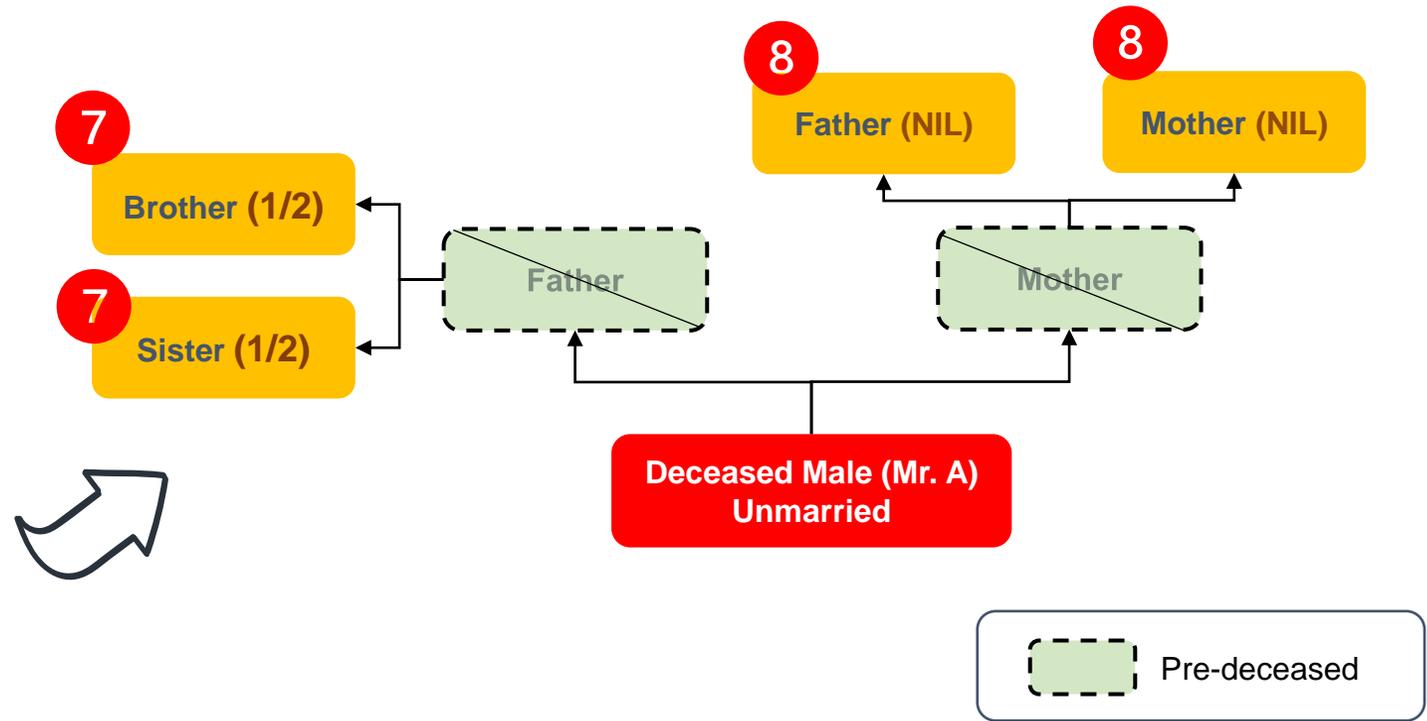
Mr. A who was unmarried passed away recently without leaving behind a valid Will. The heirs of Mr. A are as follows: a) Parents of A's predeceased mother (Maternal Grandparents) b) Brother and sister of A's predeceased father (Uncle & Aunt). How will the distribution take place among the heirs as per Hindu Succession Act?

ORDER OF DISTRIBUTION

All the heirs mentioned belong to the same class of heir (i.e., Class II heirs).

However, they shall be entitled to receive share in Mr. A's property based on the entry level under the said class. In the given illustration, the entry level is **(7)** for Brother & Sister of the Father and **(8)** for Maternal grandparents (marked in red).

Hence, the siblings of A's father will share the property equally in preference to parents of A's predeceased mother.



Got more
questions?

*Drop in your queries below and we'll try
covering them in the upcoming series*

[Enter your questions here](#)



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